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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
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		10/716,287	11/18/03
Signature <u>Phuong-Quan Hoang</u>		First Named Inventor	
Type or printed name <u>Phuong-Quan Hoang</u>		Sriram Devanathan	
		Art Unit	Examiner
		2165	Farhan M. Syed
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>41,839</u>			
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
		Signature <u>Phuong-Quan Hoang</u>	
		Typed or printed name <u>Phuong-Quan Hoang</u>	
		Telephone number <u>949-380-5643</u>	
		Date <u>04/11/07</u>	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 152. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Appl. No. 10/716,287
Pre-Appeal Brief Request for Review

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. : 10/716,287
Inventor(s) : Sriram Devanathan *et al*
Filed : 11/18/2003
TC/A.U. : 2165
Examiner : SYED, FARHAN M.

Confirmation No. 6073

Docket No. : PQH03-037
Customer No. : 34225

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Commissioner for Patents
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Alexandria VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to the Final Office action mailed on January 11, 2007, Applicant would like to request a pre-appeal panel review of the application. This paper is being filed concurrently with a Notice of Appeal.

Remarks/Arguments begin on page 2 of this paper.

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Pre-Appeal Brief Request for Review

REMARKS/ARGUMENTS

Claims 1, 3-21, 23-41, and 43-60 are pending in the present application.

This request is in response to the Final Office Action mailed on January 11, 2007. In the Final Office Action, the Examiner rejected claims 21-40 under 35 U.S.C. §101; and claims 1, 3-21, 23-41, and 43-60 under 35 U.S.C. §102(b). Pre-appeal panel review of the application in light of the remarks/arguments made herein is respectfully requested.

Rejection Under 35 U.S.C. § 101

In the Office Action, the Examiner maintained his rejection of claims 21-40 under 35 U.S.C. §101 even though Applicant had amended independent claim 21 to limit claims 21 and its independent claims to machine-accessible storage medium in order to obtain a timely Notice of Allowance. Applicant would like to refer to the arguments presented in the response filed on October 12, 2006, page 30, lines 9-14.

Rejections Under 35 U.S.C. § 102(b)

In the Final Office Action, the Examiner rejected claims 1, 3-21, 23-41, and 43-60 under 35 U.S.C. §102(b), as being anticipated by a non-patent literature titled "Designing and Creating Relational Schemas with a CWM-Based Tool" by Kumpon Farpinyo *et al* ("Farpinyo"). Applicant respectfully traverses the rejection and submits that the Examiner has not met the burden of establishing a prima facie case of anticipation.

There are several clear errors in the Examiner's rejections and arguments.

1) Farpinyo does not disclose, either expressly or inherently, any of the elements of the amended independent claims 1, 21, 41. Applicant would like to refer to the arguments presented on pages 30-31, section "Rejection under 35 U.S.C. §102(b)" of the response filed on October 12, 2006. Farpinyo only discloses how to use a software tool called ER2CWM to create an ER diagram, to create a database, to read a schema, to create an ER diagram from Metadata CWM, etc. Farpinyo does not disclose how the transformation from the physical aspects of CWM to the relational database schemas is done. Among other things, Farpinyo does not disclose that the physical aspects of CWM are processed in a hierarchical manner with the operations as recited in the claims.

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Pre-Appeal Brief Request for Review

2) Claims must be interpreted consistently with the specification:

Claims should be interpreted consistently with the specification, which provides context for the proper construction of the claims because it explains the nature of the patentee's invention. See Renishaw P.L.C. v. Marposs Societa Per Azioni, 158 F.3d 1243 (Fed. Cir. 1998).

Here, the input for the transformation, that is, the physical aspects of CWM which comprise the relational catalogs, relational schemas, relational tables, , etc., and the corresponding output, that is, DBMS elements, are fully described in the specification. See, for example, Specification, page 6, lines 17-26; page 7, lines 7-12, lines 23-25; page 7, line 26 through page 8, line 2; page 19, line 6 through page 30, line 20; and Figures 2, 12 through 24.

Accordingly, Applicant respectfully requests that the Review Panel render a decision allowing the application.

Conclusion

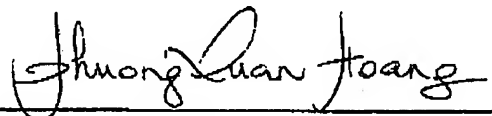
Applicant respectfully requests that the Review Panel render a decision allowing the application.

Respectfully submitted,

UNISYS CORPORATION

Dated: April 11, 2007

By


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Phuong-Quan Hoang

April 11, 2007

Date